IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14882 of 2004

Between:

K. Sankara Rao S/o. Chinni Krishna Rao (Late),
Girijan Co-Operative Marketing Society, Parvathipuram,
Vizianagaram District.

..... PETITIONER

AND

The Vice Chairman & Managing Director, Girijan Cooperative

Corporation Limited, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the enquiry report in Rc.No.4/2K JR/OSD (E) Dt.20.4.2001 as void as it is prejudiced biased and illegal and consequently 1.holding the proceedings resolution No.183/2002-2003, Dt.22.1.2003 as unjust and illegal, 2.direct the Respondent to treat the suspension period undergone by the Petitioner from 04.12.1998 to 07.05.1999 as on duty.

Counsel for the Petitioner: MR.V.RAJA MANOHAR

Counsel for the Respondent: MR.N.SRIDHAR REDDY

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14882 OF 2004

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ORAL ORDER:

The petitioner, who is working as a Senior Assistant in the respondent-Corporation, was imposed a punishment of stoppage of two increments without cumulative effect in a departmental enquiry through the resolution dated 22-01-2003 and proceedings dated 05-02-2003.

2 . The petitioner, being aggrieved by the order of the disciplinary authority, preferred a revision before the Board of Directors of the respondent-Corporation. During the pendency of the said revision petition, the petitioner approached this Court through this writ petition by representing that since the Board of Directors is dissolved, there is no likelihood of the disposal of the revision petition filed by him. Therefore, he approached this Court seeking a writ of Mandamus to declare that the resolution of the respondent dated 22-01-2003 is illegal and arbitrary and to set aside the same.

3. Since the petitioner availed the statutory remedy of revision before the Board of Directors, he cannot maintain this Writ Petition pending disposal of the said revision petition. Though the Board of Directors is dissolved due to change of Government, it is likely to be constituted with new Board of Directors, and the said Board would consider the revision petition filed by the petitioner and would pass appropriate orders on merits. Till the disposal of the said revision petition and unless it is adverse to the petitioner, he cannot approach the Writ Court.

4 . The Writ petition is accordingly dismissed as premature. The petitioner is at liberty to approach this Court at an appropriate time after the disposal of the revision petition before the Board of Directors of the respondent-Corporation. The Board shall, on its constitution, dispose of the revision petition within three months from the date of constitution of the Board. No order as to costs.

Dr. G.YETHIRAJULU, J

23rd August, 2004.

SKM

TO

1 The Vice Chairman & Managing Director, Girijan

Cooperative Corporation Limited, Visakhapatnam.

2 Two C.D. Copies.